

APR 10 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ISRAEL DISCOUNT BANK, LTD.,

Plaintiff-counter-defendant -  
Appellee,

v.

MOSHE SCHNAPP, an individual,

Defendant-counter-claimant -  
Appellant.

No. 07-56318

D.C. No. CV-06-00106-DDP

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
Dean D. Pregerson, District Judge, Presiding

Argued and submitted February 9, 2009  
Pasadena, California

Before: KLEINFELD, BEA, and IKUTA, Circuit Judges.

The district court did not err by ruling on Israel Discount Bank Ltd.'s motion to dismiss Moshe Schnapp's counterclaim for *forum non conveniens* before determining whether it had jurisdiction. *See Sinochem Int'l Co. v. Malay. Int'l*

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

*Shipping Corp.*, 549 U.S. 422, 425 (2007). The district court did not abuse its discretion when it dismissed Schnapp's counterclaim and remanded the remainder of the case to state court. *Leetsch v. Freedman*, 260 F.3d 1100, 1102 (9th Cir. 2001). Therefore, the district court's order is affirmed.

**AFFIRMED.**